

2025 SENATE STATE AND LOCAL GOVERNMENT

SCR 4011

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

SCR 4011
2/20/2025

Calling for a convention to amend the United States Constitution to impose term limits on members of Congress.
--

10:19 a.m. Chair Roers called the hearing to order.

Members Present: Chairman Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- Article V Convention
- Constitutional Amendment
- National level

10:19 a.m. Senator Magrum, District 8, introduced the concurrent resolution and submitted testimony #38204.

10:27 a.m. Scott Tillman, Chief Operations Officer U.S. Term Limits, testified in favor and submitted testimony #38154.

10:33 a.m. Rose Christensen, citizen of Rogers, testified in opposition and submitted testimony #38214.

10:52 a.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

Testimony in Support of SCR 4011

North Dakota Senate State and Local Government Committee

Good Morning Mr. Chairman and members of the committee,

Thank you for allowing me the opportunity to testify today in support of SCR 4011, a resolution to apply for Congress to call for a single-topic Article V Convention for the sole purpose of enacting Congressional term limits. In a time where our country remains divided by myriad issues, applying term limits to congress is the highest polling non-partisan issue in the nation, with 87% popular support. Any other reform with this level of support would have been implemented long ago, a Congressional term limit amendment has not been referred to the states because too many members of Congress are invested in their political careers. They wouldn't say it out loud, but many are convinced that they are irreplaceable.

So, our efforts have turned to the states. Under Article V, two-thirds of the states have the collective power to direct Congress to call a constitutional convention. If 34 states ask Congress to call a constitutional convention on a single topic, Congress must make that call. So far nine other states have called upon Congress to act, we hope that North Dakota becomes the tenth.

We worked with North Dakotan activists to first bring this same resolution before you in 2021. It failed miserably in the North Dakota legislature, despite the broad popular support for Congressional term limits among North Dakotans. The loss was so lopsided that it became evident that the disconnect between North Dakota voters and North Dakota legislators was dysfunctional. That loss was the driving purpose behind our support of term limits for North Dakota legislators in 2022. We remain here today imploring you to stand with the voters on this issue, and we won't leave until you do so. Once you pass the North Dakota convention call, we'll concentrate our efforts in other states.

I expect that you may hear arguments that a constitution convention is unsafe even if it is limited to a single issue. I want to address these concerns head-on by pointing to historical precedent and the reality of how Congress operates.

First, let me be clear: history has shown that Congress will act before the threshold for an Article V Convention is reached. When a constitutional convention is called, Congress loses its ability to draw the parameters of change, this is especially true when a convention could apply term limits retroactively. Congress has consistently acted to preempt such calls. For example:

- The 17th Amendment, which established the direct election of Senators, was proposed by Congress in response to 31 states preparing to call a convention. Congress intervened to avoid losing control of the process.

- If you go out tonight to enjoy an evening cocktail, you can toast to the Article V Convention process. The 21st amendment to repeal prohibition began with article V convention calls, and Congress preempted by reporting out a repeal of prohibition.
- The 22nd Amendment, limiting presidential terms, was a direct response to states threatening an Article V Convention. Congress acted before the convention could materialize and ensured that the amendment protected sitting officeholders, grandfathering Harry Truman.

Congress will not allow state legislators at convention, many of whom will want to move up to Congress, to dictate their future. If North Dakota and other states pass resolutions like SCR 4011, it will force Congress to act preemptively, and grandfather themselves in. Without this pressure, Congress has no incentive to limit their own terms. Hear me: There will NEVER be a convention to establish term limits on Congress.

The people of North Dakota overwhelmingly support term limits, and U.S. Term Limits will continue our efforts to demonstrate the importance of this issue in North Dakota until an Article V Term Limits resolution is passed. I've included a poll that shows that 74% of North Dakota voters approve of a resolution like SCR 4011, and 71% say they are more likely to vote for state legislators who support this effort. This is not a partisan issue; it is a matter of representing the will of the people.

In closing, I urge this committee to pass SCR 4011. By doing so, North Dakota will have the opportunity to join 9 other States that have passed this single-topic application and U.S. Term Limits will cheerfully move on to other states.

Thank you for your time and consideration.

Respectfully,

Scott Tillman



NORTH DAKOTA TERM LIMITS POLL: EXECUTIVE SUMMARY

US Term Limits survey conducted Sep. 9 through Sep. 10, 2022

by RMG Research Group.

500 likely Midterm Voters in ND participated in the survey.

Do you favor or oppose placing term limits on members of Congress?

Total		Gender		Age			Race		Party		
		Men	Wom	18-44	45-64	65+	White	Other	GOP	Dem	Other
Favor	88%	88%	88%	87%	87%	89%	88%	84%	90%	85%	88%
Strongly Favor	71%	67%	74%	52%	75%	71%	70%	75%	73%	60%	77%
Somewhat Favor	17%	21%	14%	35%	12%	18%	18%	9%	17%	25%	11%
Oppose	9%	9%	8%	7%	9%	9%	9%	14%	8%	13%	8%
Somewhat Oppose	4%	5%	3%	6%	4%	4%	4%	5%	4%	6%	4%
Strongly Oppose	5%	4%	5%	1%	5%	5%	5%	9%	4%	7%	4%
Not Sure	3%	3%	4%	6%	4%	2%	3%	2%	2%	2%	4%

Would you be more or less likely to support a candidate for state legislature if you knew he or she supports implementing term limits for members of Congress?

Total		Gender		Age			Race		Party		
		Men	Wom	18-44	45-64	65+	White	Other	GOP	Dem	Other
More Likely	71%	72%	70%	58%	71%	73%	70%	76%	71%	65%	77%
<i>Much More Likely</i>	40%	41%	40%	32%	38%	43%	40%	49%	39%	34%	50%

<i>Somewhat More Likely</i>	31%	31%	30%	26%	33%	30%	30%	27%	32%	31%	27%
<i>Less Likely</i>	6%	10%	3%	8%	7%	6%	6%	12%	6%	8%	5%
<i>Somewhat Less Likely</i>	3%	4%	2%	7%	2%	3%	3%	5%	3%	4%	2%
<i>Much Less Likely</i>	4%	6%	1%	1%	5%	3%	3%	7%	3%	4%	3%
<i>No Difference</i>	14%	13%	15%	26%	14%	12%	15%	4%	13%	21%	10%
<i>Not Sure</i>	9%	5%	12%	8%	8%	9%	9%	8%	10%	6%	8%

If the state legislatures of two-thirds of the states vote to call an amendment-proposing convention to recommend an amendment for term limits on members of Congress, would you want your state senator and state representative to vote yes or no on this bill?

Total		Gender		Age			Race		Party		
		Men	Wom	18-44	45-64	65+	White	Other	GOP	Dem	Other
Yes	74%	75%	74%	74%	70%	77%	75%	66%	76%	68%	77%
No	8%	11%	5%	4%	10%	7%	8%	10%	6%	12%	8%
Not Sure	18%	14%	21%	22%	20%	16%	17%	24%	18%	20%	15%

Methodology

The survey of 500 Likely Midterm Voters was conducted for USTL on Sep. 9-10, 2022. Field work for the survey was conducted by RMG Research, Inc. Certain quotas were applied, and the sample was lightly weighted by gender, age, and race. Likely voters were determined by a screening process within the survey.

The margin of sampling error for the full sample is +/- 4.5 percentage points.

U.S. Term Limits Resolution—The Basics

- **What is it?:** The resolution is a single-topic resolution calling for an Article V convention to propose one amendment for term limits on Congress.
- **How many have passed it?** 9 states have passed this resolution: FL, AL, WV, WI, TN, WV, MO, OK, and NC.
- **How does it work?** When 34 states pass this resolution, all 50 states would come together in an amendment proposing convention to debate different proposals for a congressional term limits amendment. Whatever is voted through is then sent to the states for ratification, and 38 states would need to ratify it for it to become law of the land.
- **Is there support for it?** Polls across the country routinely show this to be an 80% for /10% against issue. It uniquely cuts across party lines, demographic categories, and geographical boundaries. There is no other issue with broader consensus among the American people.
- **How is it unique?** This particular Article V convention call is unique in that it is tailored to the proposal of one amendment and in that it is an amendment with direct impact on members of Congress. Because of this, the reality is that *a term limits convention will never be actually called*. This is because Congress, when the states get close to 34, must preempt the convention call by proposing the amendment themselves and safeguarding their own careers by grandfathering themselves in. They can then finish out their careers while the reform is put in place for posterity. Therefore, concerns that some may have about the supposed “runaway convention” can be laid aside in this particular case.
- **Is there another way to do it?** Per the 1995 Supreme Court ruling in *U.S. Term Limits v. Thornton*, only a constitutional amendment may put term limits on Congress.
- **How many terms does it call for?** This resolution is an Article V convention call, does not pre-specify a specific amendment. What it does is trigger the Article V convention mechanism, whereby amendment proposals could be debated and one could be proposed and sent for ratification.
- **Who is U.S. Term Limits?** U.S. Term Limits is a non-partisan, non-profit advocacy group which pushes for term limits on Congress. It was founded in the early 1990s for this purpose, initially working with ballot initiative groups in the states to place term limits on state congressional delegations. This succeeded in 23 states, but the *U.S. Term Limits v. Thornton* case eliminated all of those laws.

25.3067.01000

Sixty-ninth
Legislative Assembly
of North Dakota

SENATE CONCURRENT RESOLUTION NO. 4011

Introduced by

Senators Magrum, Boehm, Paulson, Weston, Luick

Representative Hendrix

1 A concurrent resolution calling for a convention to amend the United States Constitution to
2 impose term limits on members of Congress.

3 **WHEREAS**, the founders of the United States empowered state legislators to be guardians
4 of liberty against excessive use of power by the federal government; and

5 **WHEREAS**, it is the solemn duty of the states to protect the liberty of our people,
6 particularly for the generations to come, by proposing amendments to the United States
7 Constitution through a convention of the states under Article V to restrain related abuses of
8 power; and

9 **WHEREAS**, limiting the terms of the members of Congress will safeguard the accountability
10 of the members to their constituents;

11 **NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE**
12 **HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

13 That the Sixty-ninth Legislative Assembly urges Congress, as provided by Article V of the
14 United States Constitution, to call a convention of the states limited to proposing an amendment
15 to the United States Constitution to set a limit on the number of terms an individual may be
16 elected as a member of the United States House of Representatives and to set a limit on the
17 number of terms an individual may be elected as a member of the United States Senate.

18 **BE IT FURTHER RESOLVED**, that this application constitutes a continuing application in
19 accordance with Article V of the United States Constitution until the legislatures of at least
20 two-thirds of the several states have made applications on the same subject; and

21 **BE IT FURTHER RESOLVED**, that this application be considered as covering the same
22 subject matter as the applications from other states to Congress to call a convention to set a
23 limit on the number of terms an individual may be elected to the United States House of
24 Representatives and the United States Senate, and this application be aggregated with the
25 applications on the same subject matter from other states for the purpose of attaining the

Sixty-ninth
Legislative Assembly

- 1 two-thirds of states necessary to require Congress to call a limited convention on this subject,
- 2 but not be aggregated with any other applications on any other subject; and
- 3 **BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution
- 4 to the President and Secretary of the United States Senate; the Speaker, Clerk, and Judiciary
- 5 Committee Chairman of the United States House of Representatives; and each member of the
- 6 North Dakota Congressional Delegation, requesting their cooperation.

**Sixty-fifth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2017**

HOUSE CONCURRENT RESOLUTION NO. 3006

(Representatives Kasper, Rick C. Becker, Carlson, Headland, K. Koppelman, Louser, D. Ruby)
(Senators Armstrong, Casper, Hogue, Poolman, Wardner)

A concurrent resolution calling for a convention for the purpose of amending the United States Constitution to impose fiscal restraints on the federal government and limit the power and jurisdiction of the federal government.

WHEREAS, the founders of the United States Constitution empowered state legislators to be guardians of liberty against excessive use of power by the federal government; and

WHEREAS, the federal government has created a crushing national debt through improper and imprudent spending; and

WHEREAS, the federal government has ceased to operate under a proper interpretation of the United States Constitution; and

WHEREAS, the federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent; and

WHEREAS, it is the solemn duty of the states to protect the liberty of our people, particularly for the generations to come, by proposing amendments to the United States Constitution through a convention of the states under Article V for the purpose of restraining these and related abuses of power;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-fifth Legislative Assembly urges the Congress, under the provisions of Article V of the United States Constitution, to call a convention of the states limited to proposing amendments to the United States Constitution which impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress; and

BE IT FURTHER RESOLVED, that this application constitutes a continuing application in accordance with Article V of the United States Constitution until the legislatures of at least two-thirds of the several states have made applications on the same subject; and

BE IT FURTHER RESOLVED, that the Legislative Assembly adopts this application expressly subject to the following reservations, understandings, and declarations:

1. An application to the Congress of the United States to call an amendment convention of the states pursuant to Article V of the United States Constitution confers no power to Congress other than the power to call such a convention. The power of Congress to exercise this ministerial duty consists solely of the authority to name a reasonable time and place for the initial meeting of a convention;
2. Congress shall perform its ministerial duty of calling an amendment convention of the states only upon the receipt of applications for an amendment convention for the substantially same purpose as this application from two-thirds of the legislatures of the several states;
3. Congress does not have the power or authority to determine any rules for the governing of a convention for proposing amendments called pursuant to Article V of the United States Constitution. Congress does not have the power to set the number of delegates to be sent by any state to such a convention, nor does it have the power to name delegates to such a

convention. The power to name delegates remains exclusively within the authority of the legislatures of the several states;

4. By definition, an amendment convention of the states means that states shall vote on the basis of one state, one vote;
5. A convention for proposing amendments convened pursuant to this application must be limited to consideration of the topics specified herein and no other. This application is made with the express understanding that an amendment that in any way seeks to amend, modify, or repeal any provision of the Bill of Rights is not authorized for consideration at any stage. This application is void ab initio if ever used at any stage to consider any change to any provision of the Bill of Rights;
6. Pursuant to Article V of the United States Constitution, Congress may determine whether proposed amendments must be ratified by the legislatures of the several states or by special state ratification conventions. The Legislative Assembly recommends Congress select ratification by the legislatures of the several states; and
7. The Legislative Assembly may provide further instructions to its delegates and may recall its delegates at any time for a breach of a duty or a violation of the instructions provided; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President and Secretary of the Senate and the Speaker and Clerk of the House of Representatives of the Congress, each member of the United States Congressional Delegation from North Dakota, and the presiding officers of each house of the legislatures of the several states, requesting their cooperation.

February 20, 2025

Testimony in opposition to SCR 4011

Madam Chairman, Members of the Committee

My name is Rose Christensen, I am a resident of Rogers, North Dakota. I Am here speaking on my own behalf in opposition to SCR 4011, an application for an Article V constitutional convention. This may sound like a dull topic, but it may well be the most important issue you will consider this session. The very survival of our form of government may rest on whether or not we subject the US Constitution to this experiment!

The first item in your folder is a copy of this SCR 4011. Please NOTICE THE COMPLETE ABSENCE OF TEXT THAT WOULD INDICATE what LIMITS on TERMS the proponents want to impose! Absent too, is any mention of a time limit for consideration of any amendments by the states. This lack of time period reminds us that as recently as 2020 there were still three extant applications from 1861 still on file with the national Archivist . These could have been counted toward the necessary 34 applications needed to require Congress to call a convention, if Rep. Jodey Arrington's bills had passed. (HCR 1101 and HR. 8419 in the 117th Congress, and HCR 24 in the 118th Congress had died with the ending of those sessions of Congress.) **Those bills proposed aggregating all extant applications, regardless of age or subject matter in order to reach the 34 state threshold necessary to REQUIRE Congress to call a convention.** Arrington's bill would obviously have overridden all the promises of con-con promoters who insist their convention would ONLY deal with a SINGLE SUBJECT!

The second item is a copy of the Resolution passed by North Dakota in 2017. This is the so-called Convention of States resolution that calls for an Article V constitutional convention. This resolution was passed in both houses of the ND legislature in that year, and forwarded to Congress, where it is now in the possession of the Archivist of the US. Notice that this resolution ALREADY calls for a convention to consider TERM LIMITS. **So, we already have a TERM LIMITS application on file.** Why are we wasting your time and taxpayers' money to repeat this effort?

This Resolution, SCR 4011, can be divided into two parts. Part ONE deals with the subject of TERM LIMITS. TERM LIMITS eliminate legislators indiscriminately, simply on the basis of "length of service." I don't believe that how LONG a legislator serves is related to the mess AMERICA IS IN. A good legislator doesn't reach his or her expiration date automatically at the stroke of midnight on the 30th of November at the end of two four year terms. Some of them are just beginning to hit their stride after eight years. Some of them are natural-born leaders, intelligent, hard-working and conscientious. We need such leaders. Some others

were spoiled from the beginning and should never have been elected in the first place. But that is for VOTERS to decide. If enacted, TERM LIMITS would relieve the citizenry of the responsibility of bothering to learn who is naughty and who is nice, who should be rehired and who should be terminated. Essentially, calling for TERM LIMITS is like a voice in the wilderness crying "Please limit my choices. Save me from myself!"

[It is interesting to note that even as a huge chorus is moving Heaven and Earth to LIMIT the choices that VOTERS have, as with this resolution, and the recently passed "No Candidate over 80" agenda, we are INCREASING the number of people who will be voting! Ex. Lowering the voting age from 21 to 18, passage of The national **Motor Voter Act** that allows the mailing of ballots to all registered drivers whether they are citizens or not!, and the **Help America Vote Act** which mandated the use of electronic voting and counting machines many of which are unreliable. And while we LIMIT the terms of ELECTED REPRESENTATIVES, and EXPAND THE NUMBER OF VOTERS, nothing is done about life-time civil servants who are protected by the Civil Service Act and Public Employee Labor Unions who continue from one term to the next as though nothing had happened, regardless of who gets elected or retired!! Talk about a deck stacked against the PEOPLE who want to participate in REPRESENTATIVE GOVERNMENT!]

The concerning part of this resolution is Part II, where the supposed need for Term Limits is used to justify applying for an Article V Constitutional Convention. Forces behind the scenes want a Constitutional convention, and the promise of enacting those useless TERM LIMITS is just bait on the hook!

Look at the text of this Resolution. Notice the reference to AMENDMENTS, plural. WE ARE TOLD REPEATEDLY BY SPONSORS OF ALL THESE VARIOUS APPLICATIONS, THAT THEY ONLY WANT A **SINGLE SUBJECT CONVENTION**. **Sadly, the evidence does not support this claim.** This TERM LIMITS resolution is **not** the only application for a con-con circulating around the country. There are many proposals that call for a constitutional convention. And there are many other players waiting behind the curtain for a chance to pounce out on the stage and promote THEIR ideas, amendments, and yes, EVEN WHOLE CONSTITUTIONS.

While proponents of this resolution CLAIM they only want a SINGLE amendment, to enact TERM LIMITS, the REALITY is that the loudest cheerleader for the Art V convention team, Mark Meckler of the Convention of States, vigorously promotes a convention to consider as many as thirteen "amendments". (See the photocopy of this list from his booklet, "The Citizen's Pocket Guide.") If such a convention is opened, we know Meckler will be there WITH HIS THIRTEEN OTHER AMENDMENTS, because his Convention of States which also calls for TERM LIMITS, was adopted by North Dakota in 2017.

To take this just a little bit further, we need to remember that all of this fuss is because the federal government has simply become too big, too bossy, too costly, and generally impossible to live with anymore! We The people are just desperately trying to find some way to bring the government back under control.

But, to do so, we need to identify specific grievances. We must distinguish between the federal government 1.) Abusing powers it has been granted by the Constitution under Article 1. Section 8, and 2.) usurping powers never granted by the Constitution!

Note that at least TWO OF THE “POSSIBLE AMENDMENTS” Meckler proposes, those dealing with health care and education, were NEVER POWERS GRANTED BY THE CONSTITUTION to the federal government in the first place. ALL FEDERAL MEDDLING in those two areas has BEEN UNCONSTITUTIONAL FROM THE BEGINNING. Meckler’s CONVENTION can’t make what is ALREADY UNCONSTITUTIONAL, **MORE UNCONSTITUTIONAL**. Even mentioning either of those two areas in an amendment would open the door to a federal role.

The very suggestion of thirteen possible amendments makes it very obvious that this would not be an “amending” convention. It would become a REVISION convention. This is my great concern. We do not NEED a REVISED Constitution. We do not want our Constitution brought into conformity with unconstitutional actions. We want government actions to be brought into conformity with our Constitution! We want our US Constitution to be restored, not rewritten!

Advocates confidently assure us that STATES WILL CONTROL THIS CONVENTION. This is simply not true. Congress has the exclusive authority to call the convention and to control it according to the terms of Article V, and the supremacy clause, Article 1, Section 8, last paragraph. Of necessity, Congress would determine the time, the place, the manner of selection and the number of delegates. Congress could apply a time limit . Moreover, Congress has the power to receive and judge the applications; decide how to count the applications, which ones to count, whether to aggregate the different forms of applications, etc. Nothing in the Constitution permits State Legislatures to dictate which amendments are to be considered . It is entirely a federal convention and will be entirely controlled by Congress. So states the April 11, 2014 Report of the Congressional Research Service.

Convention advocates try to bolster their claim to be in control by passing “faithful delegate” resolutions, promising to recall, IMMEDIATELY, any delegate who dares to defy his instructions! What good would that do? The convention would simply proceed without

the disgraced, recalled delegate, but our naïve trust would be responsible for having put our state in the column of 34 states needed to get the ball rolling!

Convention advocates assure us that each state would have ONE vote. This is wishful thinking. Congress would decide this, too. Frequently floated is the idea of apportioning delegates and votes along the same lines as the Electoral College, in which case, North Dakota with its three electors or delegates, would not make much of a showing against California with its 55.

Convention advocates assure us that whatever comes out of such a convention would still have to be ratified by 38 states. **They presume that the ratification procedure in our current constitution would survive another convention intact.** The historical PRECEDENT set at the Convention of 1787 proves that a convention can (and did) ignore both its mandate, and the method by which it would be ratified. The Articles of Confederation called for unanimous consent to amendments. But the 1787 convention lowered the bar from unanimous consent to three-quarters of the states, a new procedure by which it was, itself, ultimately ratified!

Perhaps the best way to explain why this **convention option** has never been successfully used to amend the Constitution, is to briefly recount the history of North Dakota's, and the nation's, most recent experience with a proposed constitutional amendment.

Article V describes two ways by which the Constitution may be amended. This first method has been used successfully 27 times, for better or for worse!

Method # 1 was used to try to add the Equal Rights Amendment to the Constitution. This is how it worked. In accordance with the requirements of Article V, 2/3 of the States "memorialized" Congress to submit the Amendment to them for ratification. Accordingly, Congress "deemed" it "necessary" and sent it out to the states for ratification. This is the exact text that was submitted simultaneously to all fifty states:

"Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex."

Once introduced in the states, public hearings were held and every imaginable aspect, definition, innuendo, and potential interpretation of the wording of this proposed text was vigorously examined and debated across the country. It did not reach its goal of ratification by 38 states in its first year out, so the routine was repeated in the next round of legislative sessions. This went on for seven years, and then even for three more years after a much-disputed three year extension was granted! There was no interpretation or argument that

did not rebound across the nation as national groups exchanged information, and pundits pontificated, and influencers influenced!. This proposed amendment got the kind of hearing that every proposed amendment SHOULD GET! The ERA ultimately FAILED, but the method by which it was tried, was a SUCCESS! This FIRST Method submits the identical text to all states; the states provide public hearings; the Congress grants a time period for consideration; the states respond. An amendment succeeds or fails. Period!

Many states ratified the ERA, but ultimately it ran its course and some states rescinded their applications. Proponents never got 38 states in agreement at the same time, and the amendment died on the vine.

All of this history is by way of proving that the FIRST method proposed in Art V is the way to go. All twenty seven amendments have been adopted by this method, and to attempt the untried, unproven SECOND method, another Constitutional Convention, is an experiment with the unknown. It's risky at best, and downright dangerous in these turbulent times.

Please do NOT endorse this proposal. We already HAVE an application on file for an Article V convention to try to install TERM LIMITS in the Constitution. And with much less trouble and expense, proponents could probably already have amassed the 34 states they would need in order to use the FIRST method prescribed in Article V. There may be some political reason for trying to duplicate what has already been done, but there is certainly no practical reason for passing this. Please give SCR 4011 a DO NOT PASS recommendation and be done with it. Thank you.

Mark Meckler's "COS" Board Member has drafted new Constitution which imposes gun control

By Publius Huldah (Joanna Martin, J.D.)

Our Framers understood that a free State cannot exist without an armed and trained populace (i.e., the Militia). Accordingly, they wrote a Constitution which prohibits the federal and State governments from infringing the natural right of the People to keep and bear arms.

Under our Constitution, the federal government has no authority to make any laws *whatsoever* over the Country at Large restricting the rights of the People to keep and bear arms. Gun control is not an enumerated power. Furthermore, the Second Amendment expressly forbids the federal government from infringing the right of the People (the Militia) to keep and bear arms.

The States are also prohibited from infringing the right of the People to keep and bear arms by Article I, Sec. 8, clauses 15 & 16, US Constitution. Those two clauses provide for the Militia of the Several States; and implicitly prohibit the States from making any laws which would interfere with the arming and training of the Militiamen in their States. ¹

Applications for Congress to call a convention under Article V, US Constitution

But various groups, such as Mark Meckler's Convention of "States" (COS) organizations, have been lobbying State Legislators to pass applications asking Congress to call an Article V Convention.

Whether or not State Legislatures should ask Congress to call an Article V Convention is one of the most important – and contentious – issues of our time. The Delegates to such a convention, as Sovereign Representatives of the People, have the power to throw off the Constitution we have and propose a new Constitution, with a new and easier mode of ratification, which would create a new government. ²

The Pennsylvania Senators Roundtable Discussion

On November 8, 2021, several Pennsylvania Senators conducted a **roundtable discussion** about whether they should pass Mark Meckler's "COS" application (**SR 152**) for Congress to call an Article V convention. Mark Meckler and his allies were present in support of SR 152. Firearms Owners Against Crime was present in opposition to SR 152. Gun Owners of America was there also. ³

Much of what Meckler said at the roundtable is not true. But this paper focuses on his comments ridiculing his opponents' concerns that, if there is an Article V convention, we could lose our existing Right to keep and bear arms.

Meckler showed up at the roundtable decked out in gun garb; and, after dropping names to show his connections with gun rights organizations, proceeded throughout the discussion to preen his commitment to "the Second Amendment". He ridiculed the warnings that if there is an Article V Convention, Delegates would have the power to impose a new Constitution which, among other horrors, strips us of our Right to keep and bear arms without infringement.

Meckler said that Chuck Cooper, a litigator for the NRA, is on COS's Legal Advisory Board and has written an open letter saying, "...it's a ridiculous argument that there could be a runaway convention and we could lose

our *Second Amendment*.” [13:31 – 13:57]

A bit later on, Meckler said:

“...Professor **Robbie George** at Princeton who is considered the foremost conservative constitutional scholar in America is on our Legal Advisory Board. ... [43:02 – 43:25]

So who is Professor Robbie George? And who says he is the foremost conservative constitutional scholar in America?

Robbie George (Robert P. George) was on the **National Constitution Center’s Constitution Drafting Project**. The **National Constitution Center** is a quasi-official branch of the federal government.

Robbie George and three others have drafted a new Constitution which severely restricts the Right of the People to keep and bear arms! His new Constitution says at Article I, Sec. 12, clause 7:

“Neither the States nor the United State [sic] shall make or enforce any law infringing the right to keep and bear arms of the sort ordinarily used for self-defense or recreational purposes, provided that States, and the United States in places subject to its general regulatory authority, may enact and enforce reasonable regulations on the bearing of arms, and the keeping of arms by persons determined, with due process, to be dangerous to themselves or others.”

So Robbie George’s new Constitution:

- **authorizes the state and federal governments to *ban* the possession of all arms** unless they are “ordinarily used for self-defense or recreational purposes”. Who will decide what arms are “ordinarily” used for self-defense or recreation? *The governments will decide.*
- **authorizes the state governments and the federal government** (in those places subject to its “general regulatory authority”), **to enact and enforce “reasonable regulations” on the bearing of those arms they permit us to have.** What’s a “reasonable” regulation? *The governments will decide;* and,
- **authorizes the state and federal governments to strip us of our right to keep even those arms “ordinarily used for self-defense”, if someone in the government (presumably a judge) decides you are a danger to yourself or others.**

We live in a time when Christians who read the Bible; People who read the Constitution; and Moms who speak out at School Board meetings against pornography in the schools, mask mandates, or the teaching of critical race theory, are labeled “domestic terrorists”. Should “domestic terrorists” be allowed to keep and bear arms? *Of course not- they are dangerous!*

At the roundtable, John Velleco of Gun Owners of America said:

“The questions that we’re dealing with on this is how will this [Meckler’s “COS” application SR 152] impact the Second Amendment? Because that’s, as an organization, that’s all we care about. ... So we need to determine if this is something that seriously could impact in a negative way the Second Amendment, then we are compelled to engage 100%. ... our bigger issues in Pennsylvania are passing constitutional carry.” [1:07:05 – 1:07:51]

Yet even though Meckler’s Board Member Robbie George had already participated in the drafting of **a new Constitution which imposes gun control**; and thereby would rescind the Second Amendment, Meckler responded:

“And I will tell you there are 5 Million people in this country ... that are signed up for convention of states. Right here, there are 90,000 in this state. 90,000!”

The question was asked, will this help pass constitutional carry? The answer is hell yes, it will! Because right now, our activists are very angry with gun rights organizations in this state. And they'll not support anything that these gun organizations are doing, because they're now sworn enemies on Article V. ... But I will say, on Kim Stoller's organization, they should be working with these organizations. Every one of those 90,000 should be signed up with these organizations and members of these organizations fighting for everything they [the gun organizations] want.”
[1:21:21 – 1:22:05]

So Meckler, who postures as a “Second Amendment guy” [13:31-13:57], threatened that unless Kim Stoller supports Meckler's SR 152 application for a convention, Meckler's alleged 90,000 supporters in Pennsylvania ⁴ will not support anything Kim Stoller's gun rights organization does!

Look behind the Curtain

This push for an Article V Convention is the most vicious bait and switch ever perpetrated on the American People. It's all about getting a new Constitution under the pretext of getting amendments. ⁵ If Congress calls an Article V convention, Robbie George's proposed Constitution, or another just as tyrannical, can be proposed. ⁶ And since any new Constitution will have its own new mode of ratification (such as a national referendum), it's sure to be approved.

The solution to our political and economic problems is to read and enforce the Constitution we already have. States and local governments and individual Citizens can take a giant step forward *by not taking federal funds to participate in unconstitutional federal programs.*

And rescind your States' existing applications for an Article V convention! It doesn't matter what the ostensible purpose of a convention is, as set forth in a State's applications. Once the Convention assembles, the Delegates can do whatever they want including approving the Constitution Robbie George participated in drafting, or another Constitution which will also legalize the tyranny which is taking over our Country.

We are to fight tyranny **by resisting it; not by legalizing it.**

Endnotes:

¹ With the **Militia Act of 1792**, Congress *required* all able-bodied male Citizens in the Country (with a few exceptions) between the ages of 18 and under 45 to buy a rifle, bayonet, ammo & ammo pouch, and report to their local Militia Unit for training. States may not lawfully do anything to interfere with this constitutional grant of power to Congress.

² This is shown in these flyers:

- **How to get a new Constitution under the pretext of proposing amendments;**
- The US Constitution & Congressional Research Service (CRS) Report show that **COS's assurances that State Legislatures will control a convention are false and reckless.** So what is Meckler's response? *To snicker and belittle the CRS!* [1:14:35 – 1:14:42]; and
- **What the Convention Lobby isn't telling you about our Declaration of Independence.**

³ These are two large gun rights organizations. John Velleco and Val Finnell appeared for **GOA**; Kim Stoller of Pennsylvania appeared for **Firearms Owners Against Crime**.

⁴ It should be enlightening to ask Meckler to provide documentation of his claim to have 90,000 supporters in Pennsylvania. Legislators in other States have looked behind the curtain and found "COS" claims of support to be false: See **Phony Petitions and Polls**.

⁵ **James Madison expressly warned of this stratagem**: See **this** flyer at footnote 2.

⁶ Altogether, the **National Constitution Center** has **three proposed new Constitutions**. All of them transfer massive new powers to the new federal government.

Additional proposed Constitutions are discussed **here**. One of them, the **Constitution for the Newstates of America**, was produced some 60 years ago [and factions have been pushing for an Article V convention ever since]. Under the Newstates Constitution, the States are dissolved and replaced by regional governments answerable to the new national government. *Article I, Part B., Sec. 8 provides that the People are to be disarmed*. Article XII, Sec. 1, provides for ratification by a national referendum – so whoever controls the voting machines will determine the outcome.

11. A Constitution which formally implements the Council on Foreign Relations' Task Force Report hasn't been released. But several other proposed Constitutions have been released:

- The **Constitution for the Newstates of America**: Article XII, §1 provides for ratification by a *referendum initiated by the President*.⁶ The States are dissolved & replaced by regional governments answerable to the new national government. **We are disarmed under this Constitution** (Article I, Part B, § 8).
- The **Constitution for the New Socialist Republic in North America** was prepared by the **Revolutionary Communist Party, USA**.
- The **National Constitution Center** is a quasi-official agency of the federal government. Under their **Constitution Drafting Project**, they released three proposed new Constitutions ([read them here](#)):
 - o The **Progressive Constitution**,
 - o The **Libertarian Constitution**, and
 - o The so-called **"Conservative" Constitution**. *This Constitution was co-authored by the above-mentioned COS Board Member Robert P. George*. It creates a new federal government which has express constitutional authority to impose gun control & red flag confiscations.

Section 8: Powers of Congress

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards and other needful Buildings;-And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

H. CON. RES. 24

Calling an Article V Convention for proposing a Fiscal Responsibility Amendment to the United States Constitution and stipulating ratification by a vote of We the People, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2023

Mr. ARRINGTON submitted the following concurrent resolution; which was referred to the Committee on the Judiciary

CONCURRENT RESOLUTION

Calling an Article V Convention for proposing a Fiscal Responsibility Amendment to the United States Constitution and stipulating ratification by a vote of We the People, and for other purposes.

Whereas Article V of the Constitution of the United States states that “The Congress ... on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments” to the Constitution;

Whereas congressional and State records of plenary applications for amendments on any subject and applications for the single subject of Inflation-fighting Fiscal Responsibility Amendments compiled by the Article V Library counts Nevada’s “continuing” application, reported February 8, 1979, in the Congressional Record, as the 34th thus achieving the “two thirds” congressional mandate to call the Convention for proposing amendments; congressional records reported 39 applications by the end of 1979, 40 in 1983, and 42 total applications over time;

Whereas Alexander Hamilton in Federalist 85 stated that “The Congress ‘shall call a Convention’. Nothing in this particular is left to the discretion of that body”;

Whereas beginning in 1979, when Congress appears to have failed in its constitutional duty to count applications and call a “Convention for proposing Amendments”, the Nation’s debt has increased to more than \$31 trillion from \$860 billion, while the value of the dollar has declined by over 75 percent;

Whereas the Constitution was ratified by Convention delegates “chosen in each State by the People thereof”, and the 21st Amendment, repealing Prohibition, was ratified in 1933 by a vote of the people for Yes-pledged delegates in 38 of 39 State Conventions; and

Whereas the Supreme Court’s unanimous opinion in *Chiafalo v. Washington* stated: “electors . . . have no ground for reversing the vote of millions of its citizens. That direction accords with the Constitution—as well as with the trust of the Nation that here, We the People rule.”: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That

SECTION 1. CALL FOR ARTICLE V CONVENTION OF STATES.

(a) IN GENERAL.—

(1) CALL FOR CONVENTION; TIMING.—As provided in Article V of the Constitution of the United States, and except as provided in paragraph (2), Congress hereby calls a Convention for proposing amendments to the Constitution of the United States for a date and place to be determined on calling the Convention.

(2) EXCEPTION.—Paragraph (1) does not apply if, prior to the expiration of the 60-day period which begins on the date of the adoption of this concurrent resolution—

(A) the House Clerk provides a written report stating there have never been unrescinded and “continuing” applications for a Convention to propose amendments from at least two-thirds (34) of the States on any national issues (plenary) plus the single issue of fiscal responsibility; and

(B) the House Clerk includes in the report detailed findings for each State.

(b) RATIFICATION OF AMENDMENTS BY STATES.—Each proposed amendment at the Convention for proposing amendments called under this section shall be ratified by a vote of We the People in three-quarters (38) of the States via State Convention delegates who shall “have no ground for reversing the vote of millions of its citizens” (Chiafalo v. Washington).

SEC. 2. TRANSMISSION TO ADMINISTRATOR OF GENERAL SERVICES.

A copy of this concurrent resolution shall be transmitted to the Administrator of General Services for submission to the legislatures of the several Stat

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Room JW216, State Capitol

SCR 4011
2/20/2025

Calling for a convention to amend the United States Constitution to impose term limits on members of Congress.

5:04 p.m. Chair Roers called the hearing to order.

Members Present: Chairman Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- Committee Action

5:04 p.m. Senator Lee moved Do Not Pass.

5:04 p.m. Senator Walen seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jose L. Castaneda	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Judy Lee	Y
Senator Chuck Walen	Y

Motion Passed 6-0-0

Senator Barta will carry the bill.

5:07 p.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

REPORT OF STANDING COMMITTEE
SCR 4011 ([25.3067.01000](#))

State and Local Government Committee (Sen. Roers, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SCR 4011 was placed on the Eleventh order on the calendar. This resolution does not affect workforce development.